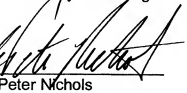
Remarks

In response to the Advisory Action mailed November 15, 2007, Applicants submit this Amendment. Applicants note that neither box 7a nor 7b were checked and thus, it is clear whether the previously submitted amendment was entered or not. Thus, Applicants will assume that the claim amendments were not entered.

Present claim 1 has been amended to specify that the composition includes (a) a water-soluble Vitamin E derivative selected from the group consisting of Lauryl Imino Dipropionic Acid Tocopheryl Phosphates and water where the vitamin E is substantially in water and (b) a topically acceptable carrier for application to the skin and for assisting in maintaining a pH of the composition from about 4.5 to 9, wherein the carrier includes tetrasodium EDTA and at least one neutralizer. Support for these amendments can be found in paragraph [0026] and Table 5.

The rejection of the pending claims as being anticipated in view of US 2004/0097472 to West has been maintained. The claims have been amended to make clear that it is the carrier ingredients such as the neutralizers and tetrasodium EDTA that assist in maintaining the desired pH. West on the other hand, is completely silent about the pH of the disclosed composition. Because West neither teaches nor suggests the features of the presently claimed composition, West cannot and does not anticipate or render obvious the present claims.

It is believed that the pending claims are in condition to be allowed and notification to that effect is requested. The Examiner is requested to contact the undersigned attorney at (312) 321-4276 to resolve any remaining issues.



G. Peter Nichols
Registration No. 34,401
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
Telephone: (312) 321-4200